

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on November 18, 2003.
2. Claim 1 is currently pending and has been examined.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The drawings do not contain reference item numbers. Moreover, the detailed description does not contain reference item numbers.
4. The drawings are objected to because each drawing is labeled as a diagram, whereas in the specification each drawing is labeled as a figure.
5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The abstract of the disclosure is objected to because the abstract contains the phrase: *writing covered calls, writing, covered puts,*. There appears to be an extra comma inserted into this phrase. Correction is required. See MPEP § 608.01(b).
7. The disclosure is objected to because of the following informalities: Applicant is requested to provide definitions of key terms and acronyms in the beginning of the specification before their initial use. Appropriate correction is required.
8. Claim 1 is objected to because of the following informalities: The limitation *implementing a combined investment strategy through borrowed funds back by marginable assets*, should read *implementing a combined investment strategy through borrowed funds **backed** by marginable assets*. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
10. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation *implementing a combined investment strategy through borrowed funds back by marginable assets* is vague and indefinite. For the purposes of this examination, the Examiner will assume that the Applicant meant *implementing a combined investment strategy through borrowed funds **backed** by marginable assets*.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention does not appear to produce any concrete (i.e. repeatable) results. Moreover, it appears as if the claimed invention is merely an abstract idea. Therefore, it is only a judicial exception and not within a recognized statutory category.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

15. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Frattalone, US 2002/0019793 A1.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or

part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 1:

Frattalone, as shown, discloses the following limitations:

- *providing an asset provider* (see at least paragraph 0025: investor), *a project manager* (see at least paragraph 0057: program manager), *a specific application entity* (see at least paragraph 0054: investors), *a capitalization portfolio* (see at least paragraph 0054: second investment), *a success accelerator manager* (see at least paragraph 0057: program manager), *a new company* (see at least paragraph 0025: additional investments), *a portfolio manager* (see at least paragraph 0057: program manager), *a lending institution* (see at least paragraph 0028: lender) *and an asset provider collateral pledge account* (see at least paragraph 0025: collateralizable first investment).
- With regard to the limitation of *implementing a combined investment strategy*, Frattalone, in at least paragraph 0002 discloses, "In particular, the present invention relates to a method and system for implementing a combined investment through collateralized lending".
- With regard to the limitation of *through borrowing funds back by marginable assets*, Frattalone, in at least the abstract discloses, "Financing is obtaining by collateralizing a first investment representing ownership interests of a plurality of independent investors".

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Frattalone (US 2002/0019793 A1) discloses implementing a combined investment through collateralized lending.

Art Unit: 4143

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **John Preston** whose telephone number is **571.270.3918**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **JAMES REAGAN** can be reached at **571.272.6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office**

Customer Service Window:

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

John Preston
Patent Examiner
Art Unit 4143
November 13, 2007
/John O Preston/Examiner, Art Unit 4143
/JAMES A REAGAN/Supervisory Patent Examiner, Art Unit 4143